

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

ORDER  
06-CR-271

WARREN T. SMITH, JR.,

Defendant.

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The above-referenced case was referred to Magistrate Judge h. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(A). On October 29, 2007, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that defendant's motion to suppress the weapons and marijuana found on his person be granted and that defendant's statements with respect to this evidence be suppressed as fruit of the poisonous tree.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties. No objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendant's motion to suppress the weapons and marijuana found on his person is granted

and defendant's statements with respect to this evidence is suppressed as fruit of the poisonous tree.

The parties shall appear at 9:00 a.m. on Monday, November 19, 2007 for a meeting to set a trial date.

SO ORDERED.

s/ Richard J. Arcara  
HONORABLE RICHARD J. ARCARA  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

DATED: November 16, 2007